

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FINAL ORDER OF FORFEITURE

WHEREAS, on January 18, 2006, an Indictment was filed in the above-referenced case charging Defendant, THOMAS ALVA AUSTIN with knowingly, willfully, and unlawfully affecting and attempting to affect interstate commerce and the movement of articles and commodities in interstate commerce by extortion in violation of Title 18, United States Code, Section 1951(a) and with money laundering in violation of Title 18, United States Code, Section 1956(a)(3)(B).

WHEREAS, in the forfeiture allegations of the Indictment in the above-styled case, the United States sought forfeiture of the interest of the Defendant, pursuant to Title 18, United States Code, Sections 981(a)(1)(c); 1956(c)(7); 1961(1); Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(p) as incorporated in Title 28, United States Code, Section 2461(c), in any property, real and personal, constituting, or derived from, proceeds traceable to offenses charged in Counts One through Seven of the Indictment, and, pursuant to Title 18, United States Code, Section 982(a)(1) and Title 21, United States Code, Section 853(p), as incorporated in Title 18, United States Code, Section 982(b)(1), in any and all

property involved in the offense charged in Count Eight of the Indictment, or any property traceable to such property. The Indictment sought forfeiture of the following properties:

- (a) Compaq Presario Notebook Computer, serial number SCNF5341KVK;
- (b) \$12,750.00 in United States currency;
- (c) \$1,119.78 in United States currency; and
- (d) 1998 Dodge 1500 Ram, VIN 1B7HF16Z9WS646986.

WHEREAS, a Plea Agreement was filed with the Court on March 2, 2006, and this Court accepted the guilty plea of the Defendant on March 29, 2006. The Defendant, THOMAS ALVA AUSTIN, pled guilty to Counts One, Six, and Seven of the Indictment charging him with violations of Title 18, United States Code, Section 1951(a) and agreed to forfeit his interest in the following properties pursuant to Title 18, United States Code, Sections 981(a)(1)(c); 1956(c)(7); 1961(1); Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p) as incorporated in Title 28, United States Code, Section 2461(c):

- (a) \$13,869.78 in United States currency;¹
- (b) Compaq Presario Notebook Computer, serial number SCNF5341KVK; and
- (c) 1998 Dodge 1500 Ram, VIN 1B7HF16Z9WS646986.

WHEREAS, on June 22, 2006, the United States filed a Verified Complaint for Forfeiture *In Rem* and on July 6, 2006, the Defendant, Thomas Alva Austin signed a Consent Decree for

¹ \$13,869.78 in United States currency is the total amount of currency which is to be forfeited in the above-referenced case pursuant to the agreement of the parties as expressed in the Plea Agreement, accepted by this Court. In the Indictment, the amounts were listed separately as \$1,119.78 in United States currency and \$12,750.00 in United States currency.

Forfeiture for the 1998 Dodge 1500 Ram, VIN 1B7HF16Z9WS646986; and \$1,119.78 in United States Currency.

WHEREAS, on September 27, 2006, a Final Order of Forfeiture was entered in case number 3:06-CV-237, forfeiting the 1998 Dodge 1500 Ram, VIN 1B7HF16Z9WS646986; and \$1,119.78 in United States Currency.

WHEREAS, the United States has established the requisite nexus between the property and the aforesaid offenses. Further the United States is now entitled to seize said properties, pursuant to Title 21, United States Code, Section 853(g) and Rule 32.2(b) of the Federal Rules of Criminal Procedure;

WHEREAS, on March 30, 2006, this Court filed an Agreed Preliminary Order of Forfeiture pursuant to the guilty plea entered by the Defendant, THOMAS ALVA AUSTIN, forfeiting the following properties to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(c); 1956(c)(7); 1961(1); Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p) as incorporated in Title 28, United States Code, Section 2461(c):

- (a) \$12,750.00 in United States currency; and
- (b) Compaq Presario Notebook Computer, serial number SCNF5341KVK.

WHEREAS, since the \$12,750.00 in United States currency was supplied by the FBI as “front money” for its bribery investigation, and the Compaq Presario Notebook Computer was purchased with this FBI-supplied “front money,” no notice to third parties was undertaken by the United States.

It is hereby:

ORDERED, ADJUDGED AND DECREED:

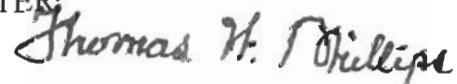
1. That the following properties be and the same are hereby forfeited to the United States, pursuant to Title 21, United States Code, Section 853(h), as properties, involved in a transaction or attempted transaction in violation of Title 18, United States Code, Section 1956(a)(3)(B), and all right, title and interest in said property be and the same is hereby vested in the United States pursuant to Title 21, United States Code, Section 853(n)(7):

- (a) \$12,750.00 in United States currency; and
- (b) Compaq Presario Notebook Computer, serial number SCNF5341KVK.

2. That the United States Marshal Service shall dispose of said forfeited properties according to law.

3. That the Clerk of this Court provide the United States Marshal Service and the United States Attorney's Office with a certified copy of this Final Order of Forfeiture.

ENTER:



THOMAS W. PHILLIPS
UNITED STATES DISTRICT JUDGE

Submitted by:

JAMES R. DEDRICK
United States Attorney

By: s/ Michael J. Mitchell
MICHAEL J. MITCHELL
Assistant United States Attorney